

REMARKS

The Office Action mailed on November 14, 2007, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-17, 19-21, and 23-33 were pending. By this paper, Applicants cancel claims 2 and 14, and do not add any claims. Therefore, claims 1, 3-13, 15-17, 19-21 and 23-33 remain pending.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Interview of February 29, 2008

Examiner Hurley is thanked for extending the courtesy of an interview to Applicant's representatives on February 29, 2008, where it was agreed that if the recitations of claim 14 as then pending were placed into claim 1, and arguments were made briefly detailing the inadequacies of the prior art with respect to a "high load application," the claims would likely be allowed.

Applicants further memorialize that agreement was reached that each element of claim 14 as then pending is not present, even in a suggestive manner, in the cited references, and that the proffered amendments, once made, to the co-pending application that is the subject of the double-patenting rejection would alleviate that rejection.

In reliance on the February 29 interview, Applicants hereby amend claim 1 to include the recitations of claims 2 and 14 (effectively placing claim 14 into independent form).

In view of the interview of February 29, 2008, Applicants submit that the above provides a complete and proper recollection of the substance of the interview, per MPEP §713.04.

Rejections Under 35 U.S.C. § 103

Claims 1-17, 19, and 26-29, and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spiessens (U.S. Patent No. 3,908,715). Further, claims 21 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spiessens in view of Bruyneel (U.S. Patent No. 5,784,874). Claims 20, 23-25, 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spiessens in view of Coleman et al. (U.S. Patent 4,724,929). In response, in order to advance prosecution, and without prejudice or disclaimer, Applicants hereby amend claim 1 to include the recitations of claims 2 and 14, effectively placing claim 14 into independent form, and respectfully submit that the claims are allowable for at least the reasons that follow.

Claim 1 (formerly pending claim 14) recites a strand at an interruption zone that has a force at rupture of more than 50% of the force at rupture of said strand outside said interruption zone. That is, claim 14 correlates a force at rupture at the interruption zone that is correlated to a force at rupture of an uninterrupted zone. By reciting the 50% requirement, claim 1 makes explicit that the interrupted zone does not impact the strength of the strand by less than a certain amount, and thus the interrupted zone has a minimum force at rupture. *The cited references do not teach or suggest this feature of claim 1 (formerly pending claim 14).*

As was detailed in the interview of February 29, the present invention is directed towards a novel and unique way of salvaging metal strands used in high load applications (e.g., elevator cables, hoisting cables, etc. (see specification at, among other pages, page 1 and page 10) which were broken during manufacture, storage, transportation, etc. Specifically, the salvaged broken metal strands are “operated on” to restore the strand for use in that high load application.

The prior art techniques are not sufficient to provide fixed filaments of a strand, as recited in claim 1, which results, pursuant to the recitations therein, in a strand that may be used in a high load application. Accordingly, notwithstanding the fact that the recitations of claim 1 are not present in the cited references, it would not have been obvious to modify those references to arrive at the invention of claim 1.

In summary, claim 1 is not obvious, and thus no claim now pending is obvious.

Double Patenting

Claims 1, 5-17, and 19-33 were *provisionally* rejected under the judicially created doctrine of obviousness-type double patenting in view of co-pending U.S. patent application serial numbers 10/514420.

As was discussed during the February 29 interview, amendments to the claims of co-pending U.S. patent application serial number 10/514,420, will likely be made, and as was agreed during the February 29 interview, those amendments, once made, will alleviate this double patenting rejection.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

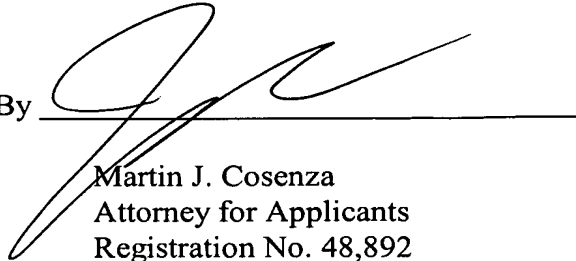
Examiner Hurley is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

8/14/2008

By



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